

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RONALD WEAVER,

Civil Case No. 99-1045-ST

Petitioner,

O R D E R

v.

JOAN PALMATEER,

Respondent.

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Attorney at Law
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Bend, Oregon 97702

Attorney for Petitioner

John R. Kroger
Attorney General

Jacqueline Sadker Kamins
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Attorneys for Respondent

KING, Judge:

The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on February 24, 2010. Petitioner filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Stewart.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Stewart (#218) dated February 24, 2010 in its entirety.

IT IS HEREBY ORDERED that the corrected Amended Petition for Writ of Habeas Corpus (#43) is denied. The court declines to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 USC § 2253(c)(2).

DATED this 7th day of June, 2010.

/s/ Garr M. King

GARR M. KING
United States District Judge